

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

In re: : Chapter 13  
Ruby Williams and Willie Williams, Jr., :  
Debtors. : Bankruptcy No. 17-10341-MDC

**ORDER**

**AND NOW**, pursuant to the Supplemental Application for Compensation and Reimbursement of Expenses for Services Performed After Confirmation of Chapter 13 Plan (the “Application”)<sup>1</sup> filed by McDowell Law, PC (the “Applicant”), counsel to Ruby Williams and Willie Williams, Jr. (the “Debtors”), the Applicant requests the allowance of supplemental compensation in the amount of \$800.00 and the reimbursement of expenses in the amount \$0.00 (the “Requested Supplemental Compensation”).

**AND**, the Applicant filed a certification that proper service has been made on all interested parties.

**AND**, the Applicant filed a certification of no response.

**AND**, this Court entered an Order dated September 28, 2017 (the “Confirmation Order”)<sup>2</sup> confirming the Debtors’ Amended Chapter 13 Plan dated July 20, 2017 (the “Plan”).<sup>3</sup>

**AND**, the total payment allowed to the Applicant pursuant to the confirmed Plan is to be \$3,500.00. Plan, ¶4(a).

**AND**, the Debtor has not moved to modify the Plan to provide for payment of the Requested Supplemental Compensation.

**AND**, the Court of Appeals has held that the bankruptcy court “has a duty to review fee applications, notwithstanding the absence of objections by the United States Trustee . . . , creditors, or any other interested party, a duty which . . . derives from the court’s inherent obligation to monitor the

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<sup>1</sup> Bankr. Docket No. 38.

<sup>2</sup> Bankr. Docket No. 18.

<sup>3</sup> Bankr. Docket No. 14.

debtor's estate and to serve the public interest." *In re Busy Beaver Bldg. Centers, Inc.*, 19 F.3d 833, 841 (3d Cir. 1994) (emphasis in original).

**AND**, a confirmation order precludes the relitigation of any issues that were determined by the confirmation order. *In re Szostek*, 886 F.2d 1405, 1408-09 (3d Cir. 1989); *In re McDuffie*, Bky. No. 03-65333, 2005 WL 3108234, \*1 (Bankr. D. Md. Feb. 22, 2005) ("since no amendment to the plan was filed to increase the specific amount to be paid to counsel, the court cannot order payment through the plan as an administrative expense."); *In re Lasica*, 294 B.R. 718, 722 (Bankr. N.D. Ill. 2003) (denying fee request because applicant was bound by terms of previously confirmed Chapter 13 plan); *In re Young*, 285 B.R. 168, 174-75 (Bankr. D. Md. 2002) ("the confirmation of the plan, in which a specific amount of disbursement to counsel for the debtor as attorney's fees was required, acted as a final adjudication of the matters set forth in the plan.").

It is hereby **ORDERED** that the Application is **DENIED** because the Requested Supplemental Compensation exceeds the amount of compensation to which the Applicant is entitled under the terms of the confirmed Plan.

Dated: January 9, 2019



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HONORABLE MAGDELINE D. COLEMAN  
UNITED STATES BANKRUPTCY JUDGE

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